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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,395	02/27/2004	Pekka Ketola	915-006.034	4930

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EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,395	<b>Applicant(s)</b> KETOLA, PEKKA	
	<b>Examiner</b> Tuan H. Nguyen	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/27/2004</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/27/2004 has been considered by Examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1- 4, and 6-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Klitsgaard, Niels, Christian (PCT International Publication No. WO 01/37004 hereinafter "Klitsgaard").

Consider claim 1, Klitsgaard teaches activating a first short range radio device after detecting a signal in said first short range radio device, said first short range radio device being in a sleep mode, said signal being sent from a second device (page 6 lines 7-14).

Consider claim 2, Klitsgaard further teaches signal is sent from a second short range radio device (page 6 lines 12-14).

Consider claim 3, Klitsgaard further teaches signal further comprises an identification of a short range radio device (page 2 lines 21-23).

Consider claim 4, Klitsgaard further teaches extracting identification from detected signal (page 5 lines 17-27), checking and confirming identification (page 5 lines 24-30), putting first short range radio device into an operative state, if extracted identification is confirmed (page 5 lines 17-30), and initiating a connection set up procedure in first short range radio device to set up a connection with second Bluetooth short range radio device according to a short range radio protocol (page 6 lines 32-34).

Consider claim 6, Klitsgaard further teaches signal is a radio frequency signal (page 10 lines 9-12).

Consider claim 7, Klitsgaard further teaches signal is a short range radio signal (page 10 lines 1-5).

Consider claim 8, Klitsgaard further teaches signal is a smart message signal (page 8 lines 29-32).

Consider claim 9, Klitsgaard further teaches signal is a wireless local area network signal (page 19 lines 1-4).

Consider claim 10, Klitsgaard further teaches identification is adapted for identifying said first short range radio device (page 6 lines 25-30).

Consider claim 11, Klitsgaard further teaches identification is adapted for identifying said second short range radio device (page 2 lines 21-23).

Consider claim 12, Klitsgaard further teaches software tool is run on a computer or network device (page 10 lines 1-7).

Consider claim 13, Klitsgaard further teaches program product is run on a computer or network device (page 10 lines 1-7).

Consider claim 14, Klitsgaard further teaches program product is run on a computer or network device (page 5 lines 32-35).

Consider claim 15, Klitsgaard further teaches computer data signal embodied in a carrier wave and representing a program that instructs a computer to perform the steps of activating a first short range radio device after detecting a signal in said first short range radio device, said first short range radio device being in a sleep mode, said signal being sent from a second device (page 6 lines 1-14).

Consider claim 16, Klitsgaard teaches short range radio device capable of being activated via signaling, comprising: a short range radio module (page 6 lines 25-30), a controller connected to said short range radio module, characterized by a detection component connected to said controller, for detecting a signal sent from a second device when said short range radio module is in a sleep mode, wherein said controller is configured to put said short range radio module into an operative state, if said detection component detects a signal (page 6 lines 7-14).

Consider claim 17, Klitsgaard further teaches a storage for storing identifications of short range radio devices (page 2 lines 21-23), and wherein said signal comprising an identification of a short range radio device is sent from a second short range radio device (page 6 lines 7-14) and wherein said controller is connected to said storage, and wherein said controller is configured to receive an identification from said detection

component, said controller configured to confirm said identification on the basis of said stored identifications, and said controller configured to put said short range radio module into an operative state, if said extracted identification is confirmed and said controller is configured to initiate said short range radio module to perform a connection set up procedure according to a short range radio protocol to set up a connection with said identified and confirmed other short range radio device (page 6 lines 7-34).

Consider claim 18, Klitsgaard further teaches detection component comprises a radio frequency detector circuit (page 6 lines 7-14).

Consider claim 19, Klitsgaard further teaches a mobile telephone module (page 6 lines 25-30).

Consider claim 20, Klitsgaard further teaches detection component comprises a smart message receiver of said mobile telephone (page 8 lines 29-32).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klitsgaard in view of Schaefer et al. (U.S PUB. 2004/0048605 hereinafter "Schaefer").

Consider claim 5, Klitsgaard teaches activating a first short range radio device after detecting a signal in said first short range radio device, said first short range radio device being in a sleep mode, said signal being sent from a second device.

Klitsgaard does not explicitly show that initiating a synchronization by exchanging data with second short range radio device, if connection set up has been successful.

In the same field of endeavor, Schaefer teaches initiating a synchronization by exchanging data with second short range radio device, if connection set up has been successful (page 4 [0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, initiating a synchronization by exchanging data with second short range radio device, if connection set up has been successful, as taught by Schaefer, in order to allow portable digital devices to automatically and selectively exchange information with other compatible portable digital devices which are within the vicinity of each other.

### ***Conclusion***

7. Any response to this action should be mailed to:

Mail Stop \_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)



Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618



8/21/06

QUOCHIEN B. VUONG  
PRIMARY EXAMINER